

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TIMOTHY BROWN, RONNIE)	
SUVEG, and JOSEPH BOBERTZ on)	
behalf of themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	CIVIL ACTION
)	No. 1:20-cv-00460-TCB
v.)	
)	
UNITED PARCEL SERVICE OF)	
AMERICA, INC., THE)	
ADMINISTRATIVE COMMITTEE OF)	
THE UPS RETIREMENT PLAN, THE)	
ADMINISTRATIVE COMMITTEE OF)	
THE UPS PENSION PLAN, and)	
JOHN/JANE DOES 1-20,)	
)	
Defendants.)	

STIPULATION CONCERNING INDIVIDUAL DEFENDANTS

Whereas, Plaintiffs have brought claims against United Parcel Service of America, Inc. (“UPS”), the Administrative Committee of the UPS Retirement Plan, the Board of Trustees of the UPS Pension Plan (together, the “Committees”),¹ and John/Jane Doe Defendants 1-20 in the place of the unknown individual members of the Committees, for violating the Employee Retirement Income Security Act of 1974

¹ The Complaint identifies this entity as the Administrative Committee of the UPS Pension Plan. Plaintiffs will change the name of the Committee in an Amended Complaint, to be filed shortly.

(“ERISA”) regarding the UPS Retirement Plan and the UPS Pension Plan (the “Plans”); and

Whereas, Plaintiffs have alleged that the Committees and the individual members of the Committees were fiduciaries for the Plans, and that they breached their fiduciary duties under ERISA § 404, 29 U.S.C. § 1104(a); and

Whereas, Plaintiffs have referred to individual Committee members as “John/Jane Does 1-20” in the Complaint because the identities of the Committee members were not known to Plaintiffs; and

Whereas, Plaintiffs have now learned the names of certain of the individual Committee members and could seek leave from the Court to add them as named defendants; and

Whereas, Plaintiffs and Defendants seek to avoid unnecessary motion practice and joinder of the individual Committee members as Defendants since the Committees are already Defendants;

Therefore, Plaintiff and Defendants stipulate and agree as follows:

1. Plaintiffs will not seek leave to add the individual members of the Committees as named defendants, nor will they seek to enforce any judgment they might obtain against the Committees against the personal assets of the individual members of the Committees;

2. Defendants will not dispute that the Committees were fiduciaries for the respective Plans and capable of being sued under ERISA;
3. UPS will indemnify the Committees for any judgment entered against either or both of the Committees in this case;
4. UPS will collect and gather any documents responsive to any of Plaintiffs' document requests possessed by the individual Committee members that are not already in UPS's possession and agree to produce the individual Committee members for depositions as if they were named defendants should Plaintiffs seek their testimony.

Respectfully submitted this 28th day of February, 2020.

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Service of America, Inc., The
Administrative Committee of the UPS
Retirement Plan, and The Board of
Trustees of the UPS Pension Plan***

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RULE 7.1(D) CERTIFICATION

The undersigned counsel certifies that this document has been prepared with one of the font and point selections approved by the Court in Local Rule 7.1(D).

/s/ David J. Worley

David J. Worley

Georgia Bar No. 776665

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CERTIFICATE OF SERVICE

This is to certify that on this day the foregoing STIPULATION was filed with the Clerk of Court using the CM/ECF system, which automatically sends email notification of such filing to all attorneys of record in this case.

On this 28th day of February, 2020.

/s/ David J. Worley

David J. Worley

Georgia Bar No. 776665